

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSEPH SOMBRIO,

Plaintiff,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Case No. 3:24-cv-00584-MMD-CSD

ORDER

On December 18, 2024, pro se Plaintiff Joseph Sombrio filed an application to proceed *in forma pauperis* and submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) Plaintiff also filed a motion for appointment of counsel. (ECF No. 3.) The Court has not yet screened the complaint.

Plaintiff now files a motion to withdraw his civil rights complaint and motion for appointment of counsel because he detected a jurisdictional issue with his filings. (ECF No. 4.) The Court construes Plaintiff's motion as a motion to voluntarily dismiss his case. Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." FED. R. CIV. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

For the foregoing reasons, it is ordered that the motion to withdraw (ECF No. 4) is construed as a motion for voluntary dismissal. The motion to voluntarily dismiss this action is granted.

It is further ordered that the remaining motions (ECF Nos. 1, 3) are denied as moot.

It is further ordered that this action is dismissed in its entirety without prejudice.

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1 It is further ordered that the Clerk of the Court will close the case.

2 DATED THIS 20th Day of February 2025.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is positioned above a horizontal line.

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4 MIRANDA M. DU
5 UNITED STATES DISTRICT JUDGE
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